

109TH CONGRESS  
2D SESSION

# H. R. 5067

To establish operational control over the international land and maritime borders of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2006

Mr. PEARCE introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on the Judiciary and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish operational control over the international land and maritime borders of the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

### 3   **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Border Security and Terrorism Prevention Act of 2006”.

6       (b) **TABLE OF CONTENTS.**—The table of contents for  
7       this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Definitions.

## TITLE I—SECURING UNITED STATES BORDERS

- Sec. 101. Achieving operational control on the border.
- Sec. 102. National strategy for border security.
- Sec. 103. Implementation of cross-border security agreements.
- Sec. 104. Biometric data enhancements.
- Sec. 105. One face at the border initiative.
- Sec. 106. Secure communication.
- Sec. 107. Border patrol agents.
- Sec. 108. Port of entry inspection personnel.
- Sec. 109. Canine detection teams.
- Sec. 110. Secure border initiative financial accountability.
- Sec. 111. Border patrol training capacity review.
- Sec. 112. Airspace security mission impact review.
- Sec. 113. Repair of private infrastructure on border.
- Sec. 114. Border Patrol unit for Virgin Islands.
- Sec. 115. Report on progress in tracking travel of Central American gangs  
along international border.
- Sec. 116. Collection of data.
- Sec. 117. Deployment of radiation detection portal equipment at United States  
ports of entry.
- Sec. 118. Sense of Congress regarding the Secure Border Initiative.

## TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

- Sec. 201. Joint strategic plan for United States border surveillance and sup-  
port.
- Sec. 202. Border security on protected land.
- Sec. 203. Border security threat assessment and information sharing test and  
evaluation exercise.
- Sec. 204. Border Security Advisory Committee.
- Sec. 205. Permitted use of Homeland Security grant funds for border security  
activities.
- Sec. 206. Center of excellence for border security.
- Sec. 207. Sense of Congress regarding cooperation with Indian Nations.

## TITLE III—DETENTION AND REMOVAL

- Sec. 301. Mandatory detention for aliens apprehended at or between ports of  
entry.
- Sec. 302. Enhanced detention capacity.
- Sec. 303. Expansion and effective management of detention facilities.
- Sec. 304. Enhancing transportation capacity for unlawful aliens.
- Sec. 305. Denial of admission to nationals of country denying or delaying ac-  
cepting alien.
- Sec. 306. Report on financial burden of repatriation.
- Sec. 307. Training program.
- Sec. 308. Expedited removal.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY  
AGENCIES

- Sec. 401. Enhanced border security coordination and management.
- Sec. 402. Office of Air and Marine Operations.
- Sec. 403. Shadow Wolves transfer.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COM-  
4 MITTEE.—The term “appropriate congressional com-  
5 mittee” has the meaning given it in section 2(2) of  
6 the Homeland Security Act of 2002 (6 U.S.C.  
7 101(2)).

8 (2) STATE.—The term “State” has the mean-  
9 ing given it in section 2(14) of the Homeland Secu-  
10 rity Act of 2002 (6 U.S.C. 101(14)).

11 **TITLE I—SECURING UNITED**  
12 **STATES BORDERS**

13 **SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE**  
14 **BORDER.**

15 (a) IN GENERAL.—The Secretary of Homeland Secu-  
16 rity shall take all actions the Secretary determines nec-  
17 essary and appropriate to achieve and maintain oper-  
18 ational control over the entire international land and mari-  
19 time borders of the United States, to include the fol-  
20 lowing—

21 (1) systematic surveillance of the international  
22 land and maritime borders of the United States  
23 through more effective use of personnel and tech-  
24 nology, such as unmanned aerial vehicles, ground-  
25 based sensors, satellites, radar coverage, and cam-  
26 eras;

1           (2) physical infrastructure enhancements to  
2       prevent unlawful entry by aliens into the United  
3       States and facilitate access to the international land  
4       and maritime borders by United States Customs and  
5       Border Protection, such as additional checkpoints,  
6       all weather access roads, and vehicle barriers;

7           (3) hiring and training as expeditiously as pos-  
8       sible additional Border Patrol agents authorized  
9       under section 5202 of the Intelligence Reform and  
10      Terrorism Prevention Act of 2004 (Public Law 108–  
11      458); and

12          (4) increasing deployment of United States  
13      Customs and Border Protection personnel to areas  
14      along the international land and maritime borders of  
15      the United States where there are high levels of un-  
16      lawful entry by aliens and other areas likely to be  
17      impacted by such increased deployment.

18      (b) OPERATIONAL CONTROL DEFINED.—In this sec-  
19      tion, the term “operational control” means the prevention  
20      of the entry into the United States of terrorists, other un-  
21      lawful aliens, instruments of terrorism, narcotics, and  
22      other contraband.

23      **SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.**

24      (a) SURVEILLANCE PLAN.—Not later than six  
25      months after the date of the enactment of this Act, the

1 Secretary of Homeland Security shall submit to the appro-  
2 priate congressional committees a comprehensive plan for  
3 the systematic surveillance of the international land and  
4 maritime borders of the United States. The plan shall in-  
5 clude the following:

6 (1) An assessment of existing technologies em-  
7 ployed on such borders.

8 (2) A description of whether and how new sur-  
9 veillance technologies will be compatible with exist-  
10 ing surveillance technologies.

11 (3) A description of how the United States Cus-  
12 toms and Border Protection is working, or is ex-  
13 pected to work, with the Directorate of Science and  
14 Technology of the Department of Homeland Secu-  
15 rity to identify and test surveillance technology.

16 (4) A description of the specific surveillance  
17 technology to be deployed.

18 (5) The identification of any obstacles that may  
19 impede full implementation of such deployment.

20 (6) A detailed estimate of all costs associated  
21 with the implementation of such deployment and  
22 continued maintenance of such technologies.

23 (7) A description of how the Department of  
24 Homeland Security is working with the Federal  
25 Aviation Administration on safety and airspace con-

1 trol issues associated with the use of unmanned aer-  
2 ial vehicles in the National Airspace System.

3 (b) NATIONAL STRATEGY FOR BORDER SECURITY.—

4 Not later than one year after the date of the enactment  
5 of this Act, the Secretary of Homeland Security, in con-  
6 sultation with the heads of other appropriate Federal  
7 agencies, shall submit to the appropriate congressional  
8 committees a National Strategy for Border Security to  
9 achieve operational control over all ports of entry into the  
10 United States and the international land and maritime  
11 borders of the United States. The Secretary shall update  
12 the Strategy as needed and shall submit to the Committee,  
13 not later than 30 days after each such update, the updated  
14 Strategy. The National Strategy for Border Security shall  
15 include the following:

16 (1) The implementation timeline for the surveil-  
17 lance plan described in subsection (a).

18 (2) An assessment of the threat posed by ter-  
19 rorists and terrorist groups that may try to infiltrate  
20 the United States at points along the international  
21 land and maritime borders of the United States.

22 (3) A risk assessment of all ports of entry to  
23 the United States and all portions of the inter-  
24 national land and maritime borders of the United  
25 States with respect to—

1           (A) preventing the entry of terrorists,  
2           other unlawful aliens, instruments of terrorism,  
3           narcotics, and other contraband into the United  
4           States; and

5           (B) protecting critical infrastructure at or  
6           near such ports of entry or borders.

7           (4) An assessment of the most appropriate,  
8           practical, and cost-effective means of defending the  
9           international land and maritime borders of the  
10          United States against threats to security and illegal  
11          transit, including intelligence capacities, technology,  
12          equipment, personnel, and training needed to ad-  
13          dress security vulnerabilities.

14          (5) An assessment of staffing needs for all bor-  
15          der security functions, taking into account threat  
16          and vulnerability information pertaining to the bor-  
17          ders and the impact of new security programs, poli-  
18          cies, and technologies.

19          (6) A description of the border security roles  
20          and missions of Federal, State, regional, local, and  
21          tribal authorities, and recommendations with respect  
22          to how the Department of Homeland Security can  
23          improve coordination with such authorities, to enable  
24          border security enforcement to be carried out in an  
25          efficient and effective manner.

1           (7) A prioritization of research and development  
2 objectives to enhance the security of the inter-  
3 national land and maritime borders of the United  
4 States.

5           (8) A description of ways to ensure that the  
6 free flow of legitimate travel and commerce of the  
7 United States is not diminished by efforts, activities,  
8 and programs aimed at securing the international  
9 land and maritime borders of the United States.

10          (9) An assessment of additional detention facili-  
11 ties and bed space needed to detain unlawful aliens  
12 apprehended at United States ports of entry or  
13 along the international land borders of the United  
14 States in accordance with the National Strategy for  
15 Border Security required under this subsection and  
16 the mandatory detention requirement described in  
17 section 301 of this Act.

18          (10) A description of how the Secretary shall  
19 ensure accountability and performance metrics with-  
20 in the appropriate agencies of the Department of  
21 Homeland Security responsible for implementing the  
22 border security measures determined necessary upon  
23 completion of the National Strategy for Border Se-  
24 curity.



1           (11) A timeline for the implementation of the  
2           additional security measures determined necessary  
3           as part of the National Strategy for Border Secu-  
4           rity, including a prioritization of security measures,  
5           realistic deadlines for addressing the security and  
6           enforcement needs, and resource estimates and allo-  
7           cations.

8           (c) CONSULTATION.—In creating the National Strat-  
9           egy for Border Security described in subsection (b), the  
10          Secretary shall consult with—

11           (1) State, local, and tribal authorities along the  
12           international land and maritime borders of the  
13           United States; and

14           (2) an appropriate cross-section of private sec-  
15           tor and nongovernmental organizations with relevant  
16           expertise.

17          (d) PRIORITY OF NATIONAL STRATEGY.—The Na-  
18          tional Strategy for Border Security described in subsection  
19          (b) shall be the controlling document for security and en-  
20          forcement efforts related to securing the international land  
21          and maritime borders of the United States.

22          (e) IMMEDIATE ACTION.—Nothing in this section  
23          shall be construed to relieve the Secretary of the responsi-  
24          bility to take all actions necessary and appropriate to  
25          achieve and maintain operational control over the entire

1 international land and maritime borders of the United  
2 States pursuant to section 101 of this Act or any other  
3 provision of law.

4 (f) REPORTING OF IMPLEMENTING LEGISLATION.—  
5 After submittal of the National Strategy for Border Secu-  
6 rity described in subsection (b) to the Committee on  
7 Homeland Security of the House of Representatives, such  
8 Committee shall promptly report to the House legislation  
9 authorizing necessary security measures based on its eval-  
10 uation of the National Strategy for Border Security.

11 **SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY**  
12 **AGREEMENTS.**

13 (a) IN GENERAL.—Not later than six months after  
14 the date of the enactment of this Act, the Secretary of  
15 Homeland Security shall submit to the appropriate con-  
16 gressional committees a report on the implementation of  
17 the cross-border security agreements signed by the United  
18 States with Mexico and Canada, including recommenda-  
19 tions on improving cooperation with such countries to en-  
20 hance border security.

21 (b) UPDATES.—The Secretary shall regularly update  
22 the Committee concerning such implementation.

23 **SEC. 104. BIOMETRIC DATA ENHANCEMENTS.**

24 Not later than October 1, 2006, the Secretary of  
25 Homeland Security shall—

1           (1) in consultation with the Attorney General,  
2       enhance connectivity between the IDENT and  
3       IAFIS fingerprint databases to ensure more expedi-  
4       tious data searches; and

5           (2) in consultation with the Secretary of State,  
6       collect ten fingerprints from each alien required to  
7       provide fingerprints during the alien's initial enroll-  
8       ment in the integrated entry and exit data system  
9       described in section 110 of the Illegal Immigration  
10      Reform and Immigrant Responsibility Act of 1996  
11      (8 U.S.C. 1221 note).

12 **SEC. 105. ONE FACE AT THE BORDER INITIATIVE.**

13      Not later than 90 days after the date of the enact-  
14      ment of this Act, the Secretary of Homeland Security shall  
15      submit to Congress a report—

16           (1) describing the tangible and quantifiable  
17      benefits of the One Face at the Border Initiative es-  
18      tablished by the Department of Homeland Security;

19           (2) identifying goals for and challenges to in-  
20      creased effectiveness of the One Face at the Border  
21      Initiative;

22           (3) providing a breakdown of the number of in-  
23      spectors who were—

1 (A) personnel of the United States Cus-  
2 toms Service before the date of the establish-  
3 ment of the Department of Homeland Security;

4 (B) personnel of the Immigration and Nat-  
5 uralization Service before the date of the estab-  
6 lishment of the Department;

7 (C) personnel of the Department of Agri-  
8 culture before the date of the establishment of  
9 the Department; or

10 (D) hired after the date of the establish-  
11 ment of the Department;

12 (4) describing the training time provided to  
13 each employee on an annual basis for the various  
14 training components of the One Face at the Border  
15 Initiative; and

16 (5) outlining the steps taken by the Department  
17 to ensure that expertise is retained with respect to  
18 customs, immigration, and agriculture inspection  
19 functions under the One Face at the Border Initia-  
20 tive.

21 **SEC. 106. SECURE COMMUNICATION.**

22 The Secretary of Homeland Security shall, as expedi-  
23 tiously as practicable, develop and implement a plan to  
24 ensure clear and secure two-way communication capabili-  
25 ties—

1           (1) among all Border Patrol agents conducting  
2           operations between ports of entry;

3           (2) between Border Patrol agents and their re-  
4           spective Border Patrol stations;

5           (3) between Border Patrol agents and residents  
6           in remote areas along the international land border  
7           who do not have mobile communications, as the Sec-  
8           retary determines necessary; and

9           (4) between all appropriate Department of  
10          Homeland Security border security agencies and  
11          State, local, and tribal law enforcement agencies.

12 **SEC. 107. BORDER PATROL AGENTS.**

13          There are authorized to be appropriated to the Sec-  
14          retary of Homeland Security such sums as may be nec-  
15          essary for each of fiscal years 2007 through 2010 to carry  
16          out section 5202 of the Intelligence Reform and Terrorism  
17          Prevention Act of 2004 (requiring the Secretary to in-  
18          crease by not less than 2,000 the number of positions for  
19          full-time active-duty Border Patrol agents within the De-  
20          partment of Homeland Security above the number of such  
21          positions for which funds were allotted for the preceding  
22          fiscal year) (Public Law 108–458; 118 Stat. 3734).

23 **SEC. 108. PORT OF ENTRY INSPECTION PERSONNEL.**

24          In each of fiscal years 2007 through 2010, the Sec-  
25          retary of Homeland Security shall, subject to the avail-

1 ability of appropriations, increase by not less than 250 the  
2 number of positions for full-time active duty port of entry  
3 inspectors. There are authorized to be appropriated to the  
4 Secretary such sums as may be necessary for each such  
5 fiscal year to hire, train, equip, and support such addi-  
6 tional inspectors under this section.

7 **SEC. 109. CANINE DETECTION TEAMS.**

8 In each of fiscal years 2007 through 2011, the Sec-  
9 retary of Homeland Security shall, subject to the avail-  
10 ability of appropriations, increase by not less than 25 per-  
11 cent above the number of such positions for which funds  
12 were allotted for the preceding fiscal year the number of  
13 trained detection canines for use at United States ports  
14 of entry and along the international land and maritime  
15 borders of the United States.

16 **SEC. 110. SECURE BORDER INITIATIVE FINANCIAL AC-**  
17 **COUNTABILITY.**

18 (a) IN GENERAL.—The Inspector General of the De-  
19 partment of Homeland Security shall review each contract  
20 action related to the Department's Secure Border Initia-  
21 tive having a value greater than \$20,000,000, to deter-  
22 mine whether each such action fully complies with applica-  
23 ble cost requirements, performance objectives, program  
24 milestones, inclusion of small, minority, and women-owned  
25 business, and timelines. The Inspector General shall com-

1 plete a review under this subsection with respect to a con-  
2 tract action—

3 (1) not later than 60 days after the date of the  
4 initiation of the action; and

5 (2) upon the conclusion of the performance of  
6 the contract.

7 (b) REPORT BY INSPECTOR GENERAL.—Upon com-  
8 pletion of each review described in subsection (a), the In-  
9 spector General shall submit to the Secretary of Homeland  
10 Security a report containing the findings of the review,  
11 including findings regarding any cost overruns, significant  
12 delays in contract execution, lack of rigorous departmental  
13 contract management, insufficient departmental financial  
14 oversight, bundling that limits the ability of small business  
15 to compete, or other high risk business practices.

16 (c) REPORT BY SECRETARY.—Not later than 30 days  
17 after the receipt of each report required under subsection  
18 (b), the Secretary of Homeland Security shall submit to  
19 the appropriate congressional committees a report on the  
20 findings of the report by the Inspector General and the  
21 steps the Secretary has taken, or plans to take, to address  
22 the problems identified in such report.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
24 tion to amounts that are otherwise authorized to be appro-  
25 priated to the Office of the Inspector General, an addi-

1 tional amount equal to at least five percent for fiscal year  
2 2007, at least six percent for fiscal year 2008, and at least  
3 seven percent for fiscal year 2009 of the overall budget  
4 of the Office for each such fiscal year is authorized to be  
5 appropriated to the Office to enable the Office to carry  
6 out this section.

7 **SEC. 111. BORDER PATROL TRAINING CAPACITY REVIEW.**

8 (a) IN GENERAL.—The Comptroller General of the  
9 United States shall conduct a review of the basic training  
10 provided to Border Patrol agents by the Department of  
11 Homeland Security to ensure that such training is pro-  
12 vided as efficiently and cost-effectively as possible.

13 (b) COMPONENTS OF REVIEW.—The review under  
14 subsection (a) shall include the following components:

15 (1) An evaluation of the length and content of  
16 the basic training curriculum provided to new Bor-  
17 der Patrol agents by the Federal Law Enforcement  
18 Training Center, including a description of how the  
19 curriculum has changed since September 11, 2001.

20 (2) A review and a detailed breakdown of the  
21 costs incurred by United States Customs and Border  
22 Protection and the Federal Law Enforcement Train-  
23 ing Center to train one new Border Patrol agent.

24 (3) A comparison, based on the review and  
25 breakdown under paragraph (2) of the costs, effec-



1        tiveness, scope, and quality, including geographic  
2        characteristics, with other similar law enforcement  
3        training programs provided by State and local agen-  
4        cies, non-profit organizations, universities, and the  
5        private sector.

6            (4) An evaluation of whether and how utilizing  
7        comparable non-Federal training programs, pro-  
8        ficiency testing to streamline training, and long-dis-  
9        tance learning programs may affect—

10            (A) the cost-effectiveness of increasing the  
11        number of Border Patrol agents trained per  
12        year and reducing the per agent costs of basic  
13        training; and

14            (B) the scope and quality of basic training  
15        needed to fulfill the mission and duties of a  
16        Border Patrol agent.

17    **SEC. 112. AIRSPACE SECURITY MISSION IMPACT REVIEW.**

18        Not later than 120 days after the date of the enact-  
19        ment of this Act, the Secretary of Homeland Security shall  
20        submit to the Committee on Homeland Security of the  
21        House of Representatives a report detailing the impact the  
22        airspace security mission in the National Capital Region  
23        (in this section referred to as the “NCR”) will have on  
24        the ability of the Department of Homeland Security to

1 protect the international land and maritime borders of the  
2 United States. Specifically, the report shall address:

3 (1) The specific resources, including personnel,  
4 assets, and facilities, devoted or planned to be de-  
5 voted to the NCR airspace security mission, and  
6 from where those resources were obtained or are  
7 planned to be obtained.

8 (2) An assessment of the impact that diverting  
9 resources to support the NCR mission has or is ex-  
10 pected to have on the traditional missions in and  
11 around the international land and maritime borders  
12 of the United States.

13 **SEC. 113. REPAIR OF PRIVATE INFRASTRUCTURE ON BOR-**  
14 **DER.**

15 (a) IN GENERAL.—Subject to the amount appro-  
16 priated in subsection (d) of this section, the Secretary of  
17 Homeland Security shall reimburse property owners for  
18 costs associated with repairing damages to the property  
19 owners' private infrastructure constructed on a United  
20 States Government right-of-way delineating the inter-  
21 national land border when such damages are—

22 (1) the result of unlawful entry of aliens; and  
23 (2) confirmed by the appropriate personnel of  
24 the Department of Homeland Security and sub-  
25 mitted to the Secretary for reimbursement.

1 (b) VALUE OF REIMBURSEMENTS.—Reimbursements  
2 for submitted damages as outlined in subsection (a) shall  
3 not exceed the value of the private infrastructure prior to  
4 damage.

5 (c) REPORTS.—Not later than six months after the  
6 date of the enactment of this Act and every subsequent  
7 six months until the amount appropriated for this section  
8 is expended in its entirety, the Secretary of Homeland Se-  
9 curity shall submit to the Committee on Homeland Secu-  
10 rity of the House of Representatives a report that details  
11 the expenditures and circumstances in which those ex-  
12 penditures were made pursuant to this section.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
14 shall be authorized to be appropriated an initial \$50,000  
15 for each fiscal year to carry out this section.

16 **SEC. 114. BORDER PATROL UNIT FOR VIRGIN ISLANDS.**

17 Not later than September 30, 2006, the Secretary of  
18 Homeland Security shall establish at least one Border Pa-  
19 trol unit for the Virgin Islands of the United States.

20 **SEC. 115. REPORT ON PROGRESS IN TRACKING TRAVEL OF**  
21 **CENTRAL AMERICAN GANGS ALONG INTER-**  
22 **NATIONAL BORDER.**

23 Not later than one year after the date of the enact-  
24 ment of this Act, the Secretary of Homeland Security shall  
25 report to the Committee on Homeland Security of the

1 House of Representatives on the progress of the Depart-  
2 ment of Homeland Security in tracking the travel of Cen-  
3 tral American gangs across the international land border  
4 of the United States and Mexico.

5 **SEC. 116. COLLECTION OF DATA.**

6 Beginning on October 1, 2006, the Secretary of  
7 Homeland Security shall annually compile data on the fol-  
8 lowing categories of information:

9 (1) The number of unauthorized aliens who re-  
10 quire medical care taken into custody by Border Pa-  
11 trol officials.

12 (2) The number of unauthorized aliens with se-  
13 rious injuries or medical conditions Border Patrol  
14 officials encounter, and refer to local hospitals or  
15 other health facilities.

16 (3) The number of unauthorized aliens with se-  
17 rious injuries or medical conditions who arrive at  
18 United States ports of entry and subsequently are  
19 admitted into the United States for emergency med-  
20 ical care, as reported by United States Customs and  
21 Border Protection.

22 (4) The number of unauthorized aliens de-  
23 scribed in paragraphs (2) and (3) who subsequently  
24 are taken into custody by the Department of Home-  
25 land Security after receiving medical treatment.

1 **SEC. 117. DEPLOYMENT OF RADIATION DETECTION POR-**  
2 **TAL EQUIPMENT AT UNITED STATES PORTS**  
3 **OF ENTRY.**

4 (a) DEPLOYMENT.—Not later than one year after the  
5 date of the enactment of this Act, the Secretary of Home-  
6 land Security shall deploy radiation portal monitors at all  
7 United States ports of entry and facilities as determined  
8 by the Secretary to facilitate the screening of all inbound  
9 cargo for nuclear and radiological material.

10 (b) REPORT.—Not later than 180 days after the date  
11 of the enactment of this Act, the Secretary shall submit  
12 to the Committee on Homeland Security of the House of  
13 Representatives and the Committee on Homeland Security  
14 and Governmental Affairs of the Senate a report on the  
15 Department's progress toward carrying out the deploy-  
16 ment described in subsection (a).

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
18 authorized to be appropriated to the Secretary to carry  
19 out subsection (a) such sums as may be necessary for each  
20 of fiscal years 2006 and 2007.

21 **SEC. 118. SENSE OF CONGRESS REGARDING THE SECURE**  
22 **BORDER INITIATIVE.**

23 It is the sense of Congress that—

24 (1) as the Secretary of Homeland Security de-  
25 velops and implements the Secure Border Initiative  
26 and other initiatives to strengthen security along the

1 Nation's borders, the Secretary shall conduct exten-  
2 sive outreach to the private sector, including small,  
3 minority-owned, women-owned, and disadvantaged  
4 businesses; and

5 (2) the Secretary also shall consult with firms  
6 that are practitioners of mission effectiveness at the  
7 Department of Homeland Security, homeland secu-  
8 rity business councils, and associations to identify  
9 existing and emerging technologies and best prac-  
10 tices and business processes, to maximize economies  
11 of scale, cost-effectiveness, systems integration, and  
12 resource allocation, and to identify the most appro-  
13 priate contract mechanisms to enhance financial ac-  
14 countability and mission effectiveness of border secu-  
15 rity programs.

16 **TITLE II—BORDER SECURITY**  
17 **COOPERATION AND EN-**  
18 **FORCEMENT**

19 **SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES**  
20 **BORDER SURVEILLANCE AND SUPPORT.**

21 (a) IN GENERAL.—The Secretary of Homeland Secu-  
22 rity and the Secretary of Defense shall develop a joint  
23 strategic plan to use the authorities provided to the Sec-  
24 retary of Defense under chapter 18 of title 10, United  
25 States Code, to increase the availability and use of Depart-

1 ment of Defense equipment, including unmanned aerial  
2 vehicles, tethered aerostat radars, and other surveillance  
3 equipment, to assist with the surveillance activities of the  
4 Department of Homeland Security conducted at or near  
5 the international land and maritime borders of the United  
6 States.

7 (b) REPORT.—Not later than six months after the  
8 date of the enactment of this Act, the Secretary of Home-  
9 land Security and the Secretary of Defense shall submit  
10 to Congress a report containing—

11 (1) a description of the use of Department of  
12 Defense equipment to assist with the surveillance by  
13 the Department of Homeland Security of the inter-  
14 national land and maritime borders of the United  
15 States;

16 (2) the joint strategic plan developed pursuant  
17 to subsection (a);

18 (3) a description of the types of equipment and  
19 other support to be provided by the Department of  
20 Defense under the joint strategic plan during the  
21 one-year period beginning after submission of the re-  
22 port under this subsection; and

23 (4) a description of how the Department of  
24 Homeland Security and the Department of Defense  
25 are working with the Department of Transportation

1 on safety and airspace control issues associated with  
2 the use of unmanned aerial vehicles in the National  
3 Airspace System.

4 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
5 tion shall be construed as altering or amending the prohi-  
6 bition on the use of any part of the Army or the Air Force  
7 as a posse comitatus under section 1385 of title 18,  
8 United States Code.

9 **SEC. 202. BORDER SECURITY ON PROTECTED LAND.**

10 (a) IN GENERAL.—The Secretary of Homeland Secu-  
11 rity, in consultation with the Secretary of the Interior,  
12 shall evaluate border security vulnerabilities on land di-  
13 rectly adjacent to the international land border of the  
14 United States under the jurisdiction of the Department  
15 of the Interior related to the prevention of the entry of  
16 terrorists, other unlawful aliens, narcotics, and other con-  
17 traband into the United States.

18 (b) SUPPORT FOR BORDER SECURITY NEEDS.—  
19 Based on the evaluation conducted pursuant to subsection  
20 (a), the Secretary of Homeland Security shall provide ap-  
21 propriate border security assistance on land directly adja-  
22 cent to the international land border of the United States  
23 under the jurisdiction of the Department of the Interior,  
24 its bureaus, and tribal entities.



1 **SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND IN-**  
2 **FORMATION SHARING TEST AND EVALUA-**  
3 **TION EXERCISE.**

4 Not later than one year after the date of the enact-  
5 ment of this Act, the Secretary of Homeland Security shall  
6 design and carry out a national border security exercise  
7 for the purposes of—

8 (1) involving officials from Federal, State, terri-  
9 torial, local, tribal, and international governments  
10 and representatives from the private sector;

11 (2) testing and evaluating the capacity of the  
12 United States to anticipate, detect, and disrupt  
13 threats to the integrity of United States borders;  
14 and

15 (3) testing and evaluating the information shar-  
16 ing capability among Federal, State, territorial,  
17 local, tribal, and international governments.

18 **SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.**

19 (a) ESTABLISHMENT OF COMMITTEE.—Not later  
20 than one year after the date of the enactment of this Act,  
21 the Secretary of Homeland Security shall establish an ad-  
22 visory committee to be known as the Border Security Ad-  
23 visory Committee (in this section referred to as the “Com-  
24 mittee”).

25 (b) DUTIES.—The Committee shall advise the Sec-  
26 retary on issues relating to border security and enforce-

1 ment along the international land and maritime border of  
2 the United States.

3 (c) MEMBERSHIP.—The Secretary shall appoint  
4 members to the Committee from the following:

5 (1) State and local government representatives  
6 from States located along the international land and  
7 maritime borders of the United States.

8 (2) Community representatives from such  
9 States.

10 (3) Tribal authorities in such States.

11 **SEC. 205. PERMITTED USE OF HOMELAND SECURITY**  
12 **GRANT FUNDS FOR BORDER SECURITY AC-**  
13 **TIVITIES.**

14 (a) REIMBURSEMENT.—The Secretary of Homeland  
15 Security may allow the recipient of amounts under a cov-  
16 ered grant to use those amounts to reimburse itself for  
17 costs it incurs in carrying out any activity that—

18 (1) relates to the enforcement of Federal laws  
19 aimed at preventing the unlawful entry of persons or  
20 things into the United States, including activities  
21 such as detecting or responding to such an unlawful  
22 entry or providing support to another entity relating  
23 to preventing such an unlawful entry;

24 (2) is usually a Federal duty carried out by a  
25 Federal agency; and

1           (3) is carried out under agreement with a Fed-  
2       eral agency.

3       (b) USE OF PRIOR YEAR FUNDS.—Subsection (a)  
4       shall apply to all covered grant funds received by a State,  
5       local government, or Indian tribe at any time on or after  
6       October 1, 2001.

7       (c) COVERED GRANTS.—For purposes of subsection  
8       (a), the term “covered grant” means grants provided by  
9       the Department of Homeland Security to States, local gov-  
10      ernments, or Indian tribes administered under the fol-  
11      lowing programs:

12           (1) STATE HOMELAND SECURITY GRANT PRO-  
13      GRAM.—The State Homeland Security Grant Pro-  
14      gram of the Department, or any successor to such  
15      grant program.

16           (2) URBAN AREA SECURITY INITIATIVE.—The  
17      Urban Area Security Initiative of the Department,  
18      or any successor to such grant program.

19           (3) LAW ENFORCEMENT TERRORISM PREVEN-  
20      TION PROGRAM.—The Law Enforcement Terrorism  
21      Prevention Program of the Department, or any suc-  
22      cessor to such grant program.

1 **SEC. 206. CENTER OF EXCELLENCE FOR BORDER SECU-**  
2 **RITY.**

3 (a) ESTABLISHMENT.—The Secretary of Homeland  
4 Security shall establish a university-based Center of Excel-  
5 lence for Border Security following the merit-review proc-  
6 esses and procedures and other limitations that have been  
7 established for selecting and supporting University Pro-  
8 grams Centers of Excellence.

9 (b) ACTIVITIES OF THE CENTER.—The Center shall  
10 prioritize its activities on the basis of risk to address the  
11 most significant threats, vulnerabilities, and consequences  
12 posed by United States borders and border control sys-  
13 tems. The activities shall include the conduct of research,  
14 the examination of existing and emerging border security  
15 technology and systems, and the provision of education,  
16 technical, and analytical assistance for the Department of  
17 Homeland Security to effectively secure the borders.

18 **SEC. 207. SENSE OF CONGRESS REGARDING COOPERATION**  
19 **WITH INDIAN NATIONS.**

20 It is the sense of Congress that—

21 (1) the Department of Homeland Security  
22 should strive to include as part of a National Strat-  
23 egy for Border Security recommendations on how to  
24 enhance Department cooperation with sovereign In-  
25 dian Nations on securing our borders and preventing  
26 terrorist entry, including, specifically, the Depart-

1       ment should consider whether a Tribal Smart Bor-  
2       der working group is necessary and whether further  
3       expansion of cultural sensitivity training, as exists in  
4       Arizona with the Tohono O’odham Nation, should be  
5       expanded elsewhere; and

6           (2) as the Department of Homeland Security  
7       develops a National Strategy for Border Security, it  
8       should take into account the needs and missions of  
9       each agency that has a stake in border security and  
10      strive to ensure that these agencies work together  
11      cooperatively on issues involving Tribal lands.

## 12       **TITLE III—DETENTION AND** 13       **REMOVAL**

### 14   **SEC. 301. MANDATORY DETENTION FOR ALIENS APPRE-** 15       **HENDED AT OR BETWEEN PORTS OF ENTRY.**

16       (a) IN GENERAL.—Beginning on October 1, 2006, an  
17      alien who is attempting to illegally enter the United States  
18      and who is apprehended at a United States port of entry  
19      or along the international land and maritime border of the  
20      United States shall be detained until removed or a final  
21      decision granting admission has been determined, unless  
22      the alien—

23           (1) is permitted to withdraw an application for  
24      admission under section 235(a)(4) of the Immigra-  
25      tion and Nationality Act (8 U.S.C. 1225(a)(4)) and

1 immediately departs from the United States pursu-  
2 ant to such section; or

3 (2) is paroled into the United States by the  
4 Secretary of Homeland Security for urgent humani-  
5 tarian reasons or significant public benefit in accord-  
6 ance with section 212(d)(5)(A) of such Act (8  
7 U.S.C. 1182(d)(5)(A)).

8 (b) REQUIREMENTS DURING INTERIM PERIOD.—Be-  
9 ginning 60 days after the date of the enactment of this  
10 Act and before October 1, 2006, an alien described in sub-  
11 section (a) may be released with a notice to appear only  
12 if—

13 (1) the Secretary of Homeland Security deter-  
14 mines, after conducting all appropriate background  
15 and security checks on the alien, that the alien does  
16 not pose a national security risk; and

17 (2) the alien provides a bond of not less than  
18 \$5,000.

19 (c) RULES OF CONSTRUCTION.—

20 (1) ASYLUM AND REMOVAL.—Nothing in this  
21 section shall be construed as limiting the right of an  
22 alien to apply for asylum or for relief or deferral of  
23 removal based on a fear of persecution.

24 (2) TREATMENT OF CERTAIN ALIENS.—Nothing  
25 in this section shall be construed to change or alter

1       any provision of the Immigration and Nationality  
2       Act (8 U.S.C. 1101 et seq.) relating to an alien who  
3       is a native or citizen of a country in the Western  
4       Hemisphere with whose government the United  
5       States does not have full diplomatic relations.

6   **SEC. 302. ENHANCED DETENTION CAPACITY.**

7       There are authorized to be appropriated to the Sec-  
8       retary of Homeland Security such sums as may be nec-  
9       essary for each of fiscal years 2007 through 2010 to carry  
10      out Section 5204 of the Intelligence Reform and Ter-  
11      rorism Prevention Act of 2004 (related to an increase in  
12      the number of beds by not less than 8,000 each fiscal year  
13      available for immigration detention and removal oper-  
14      ations of the Department of Homeland Security) (Public  
15      Law 108–458; 118 Stat. 3734).

16   **SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF**  
17                   **DETENTION FACILITIES.**

18      Subject to the availability of appropriations, the Sec-  
19      retary of Homeland Security shall fully utilize—

- 20           (1) all available detention facilities operated or  
21           contracted by the Department of Homeland Secu-  
22           rity; and
- 23           (2) all possible options to cost effectively in-  
24           crease available detention capacities, including the  
25           use of temporary detention facilities, the use of

1 State and local correctional facilities, private space,  
2 and secure alternatives to detention.

3 **SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR**  
4 **UNLAWFUL ALIENS.**

5 (a) IN GENERAL.—The Secretary of Homeland Secu-  
6 rity is authorized to enter into contracts with private enti-  
7 ties for the purpose of providing secure domestic transport  
8 of aliens who are apprehended at or along the inter-  
9 national land or maritime borders from the custody of  
10 United States Customs and Border Protection to deten-  
11 tion facilities and other locations as necessary.

12 (b) CRITERIA FOR SELECTION.—Notwithstanding  
13 any other provision of law, to enter into a contract under  
14 paragraph (1), a private entity shall submit an application  
15 to the Secretary at such time, in such manner, and con-  
16 taining such information as the Secretary may require.  
17 The Secretary shall select from such applications those en-  
18 tities which offer, in the determination of the Secretary,  
19 the best combination of service, cost, and security.

20 **SEC. 305. DENIAL OF ADMISSION TO NATIONALS OF COUN-**  
21 **TRY DENYING OR DELAYING ACCEPTING**  
22 **ALIEN.**

23 Section 243(d) of the Immigration and Nationality  
24 Act (8 U.S.C. 1253(d)) is amended to read as follows:



1       “(d) DENIAL OF ADMISSION TO NATIONALS OF  
2 COUNTRY DENYING OR DELAYING ACCEPTING ALIEN.—  
3 Whenever the Secretary of Homeland Security determines  
4 that the government of a foreign country has denied or  
5 unreasonably delayed accepting an alien who is a citizen,  
6 subject, national, or resident of that country after the  
7 alien has been ordered removed, the Secretary, after con-  
8 sultation with the Secretary of State, may deny admission  
9 to any citizen, subject, national, or resident of that coun-  
10 try until the country accepts the alien who was ordered  
11 removed.”.

12 **SEC. 306. REPORT ON FINANCIAL BURDEN OF REPATRI-**  
13 **ATION.**

14       Not later than October 31 of each year, the Secretary  
15 of Homeland Security shall submit to the Secretary of  
16 State and Congress a report that details the cost to the  
17 Department of Homeland Security of repatriation of un-  
18 lawful aliens to their countries of nationality or last habit-  
19 ual residence, including details relating to cost per coun-  
20 try. The Secretary shall include in each such report the  
21 recommendations of the Secretary to more cost effectively  
22 repatriate such aliens.

23 **SEC. 307. TRAINING PROGRAM.**

24       Not later than six months after the date of the enact-  
25 ment of this Act, the Secretary of Homeland Security—

1 (1) review and evaluate the training provided to  
 2 Border Patrol agents and port of entry inspectors  
 3 regarding the inspection of aliens to determine  
 4 whether an alien is referred for an interview by an  
 5 asylum officer for a determination of credible fear;

6 (2) based on the review and evaluation de-  
 7 scribed in paragraph (1), take necessary and appro-  
 8 priate measures to ensure consistency in referrals by  
 9 Border Patrol agents and port of entry inspectors to  
 10 asylum officers for determinations of credible fear.

11 **SEC. 308. EXPEDITED REMOVAL.**

12 (a) IN GENERAL.—Section 235(b)(1)(A)(iii) of the  
 13 Immigration and Nationality Act (8 U.S.C.  
 14 1225(b)(1)(A)(iii)) is amended—

15 (1) in subclause (I), by striking “Attorney Gen-  
 16 eral” and inserting “Secretary of Homeland Secu-  
 17 rity” each place it appears; and

18 (2) by adding at the end the following new sub-  
 19 clause:

20 “(III) EXCEPTION.—Notwith-  
 21 standing subclauses (I) and (II), the  
 22 Secretary of Homeland Security shall  
 23 apply clauses (i) and (ii) of this sub-  
 24 paragraph to any alien (other than an  
 25 alien described in subparagraph (F))

1                   who is not a national of a country  
 2                   contiguous to the United States, who  
 3                   has not been admitted or paroled into  
 4                   the United States, and who is appre-  
 5                   hended within 100 miles of an inter-  
 6                   national land border of the United  
 7                   States and within 14 days of entry.”.

8           (b) EXCEPTIONS.—Section 235(b)(1)(F) of the Im-  
 9 migration and Nationality Act (8 U.S.C. 1225(b)(1)(F))  
 10 is amended by inserting before the period at the end the  
 11 following: “or in any manner at or between a land border  
 12 port of entry”.

13           (c) EFFECTIVE DATE.—The amendments made by  
 14 this section shall take effect on the date of the enactment  
 15 of this Act and shall apply to all aliens apprehended on  
 16 or after such date.

## 17 **TITLE IV—EFFECTIVE ORGANI-** 18 **ZATION OF BORDER SECU-** 19 **RITY AGENCIES**

### 20 **SEC. 401. ENHANCED BORDER SECURITY COORDINATION** 21 **AND MANAGEMENT.**

22           The Secretary of Homeland Security shall ensure full  
 23 coordination of border security efforts among agencies  
 24 within the Department of Homeland Security, including  
 25 United States Immigration and Customs Enforcement,

1 United States Customs and Border Protection, and  
2 United States Citizenship and Immigration Services, and  
3 shall identify and remedy any failure of coordination or  
4 integration in a prompt and efficient manner. In par-  
5 ticular, the Secretary of Homeland Security shall—

6 (1) oversee and ensure the coordinated execu-  
7 tion of border security operations and policy;

8 (2) establish a mechanism for sharing and co-  
9 ordinating intelligence information and analysis at  
10 the headquarters and field office levels pertaining to  
11 counter-terrorism, border enforcement, customs and  
12 trade, immigration, human smuggling, human traf-  
13 ficking, and other issues of concern to both United  
14 States Immigration and Customs Enforcement and  
15 United States Customs and Border Protection;

16 (3) establish Department of Homeland Security  
17 task forces (to include other Federal, State, Tribal  
18 and local law enforcement agencies as appropriate)  
19 as necessary to better coordinate border enforcement  
20 and the disruption and dismantling of criminal orga-  
21 nizations engaged in cross-border smuggling, money  
22 laundering, and immigration violations;

23 (4) enhance coordination between the border se-  
24 curity and investigations missions within the Depart-  
25 ment by requiring that, with respect to cases involv-

1       ing violations of the customs and immigration laws  
2       of the United States, United States Customs and  
3       Border Protection coordinate with and refer all such  
4       cases to United States Immigration and Customs  
5       Enforcement;

6               (5) examine comprehensively the proper alloca-  
7       tion of the Department's border security related re-  
8       sources, and analyze budget issues on the basis of  
9       Department-wide border enforcement goals, plans,  
10      and processes;

11              (6) establish measures and metrics for deter-  
12      mining the effectiveness of coordinated border en-  
13      forcement efforts; and

14              (7) develop and implement a comprehensive  
15      plan to protect the northern and southern land bor-  
16      ders of the United States and address the different  
17      challenges each border faces by—

18                      (A) coordinating all Federal border secu-  
19      rity activities;

20                      (B) improving communications and data  
21      sharing capabilities within the Department and  
22      with other Federal, State, local, tribal, and for-  
23      eign law enforcement agencies on matters relat-  
24      ing to border security; and

1 (C) providing input to relevant bilateral  
2 agreements to improve border functions, includ-  
3 ing ensuring security and promoting trade and  
4 tourism.

5 **SEC. 402. OFFICE OF AIR AND MARINE OPERATIONS.**

6 (a) ESTABLISHMENT.—Subtitle C of title IV of the  
7 Homeland Security Act of 2002 (6 U.S.C. 201 et seq.)  
8 is amended by adding at the end the following new section:

9 **“SEC. 431. OFFICE OF AIR AND MARINE OPERATIONS.**

10 “(a) ESTABLISHMENT.—There is established in the  
11 Department an Office of Air and Marine Operations (re-  
12 ferred to in this section as the ‘Office’).

13 “(b) ASSISTANT SECRETARY.—The Office shall be  
14 headed by an Assistant Secretary for Air and Marine Op-  
15 erations who shall be appointed by the President, by and  
16 with the advice and consent of the Senate, and who shall  
17 report directly to the Secretary. The Assistant Secretary  
18 shall be responsible for all functions and operations of the  
19 Office.

20 “(c) MISSIONS.—

21 “(1) PRIMARY MISSION.—The primary mission  
22 of the Office shall be the prevention of the entry of  
23 terrorists, other unlawful aliens, instruments of ter-  
24 rorism, narcotics, and other contraband into the  
25 United States.

1           “(2) SECONDARY MISSION.—The secondary  
2 mission of the Office shall be to assist other agencies  
3 to prevent the entry of terrorists, other unlawful  
4 aliens, instruments of terrorism, narcotics, and other  
5 contraband into the United States.

6           “(d) AIR AND MARINE OPERATIONS CENTER.—

7           “(1) IN GENERAL.—The Office shall operate  
8 and maintain the Air and Marine Operations Center  
9 in Riverside, California, or at such other facility of  
10 the Office as is designated by the Secretary.

11           “(2) DUTIES.—The Center shall provide com-  
12 prehensive radar, communications, and control serv-  
13 ices to the Office and to eligible Federal, State, or  
14 local agencies (as determined by the Assistant Sec-  
15 retary for Air and Marine Operations), in order to  
16 identify, track, and support the interdiction and ap-  
17 prehension of individuals attempting to enter United  
18 States airspace or coastal waters for the purpose of  
19 narcotics trafficking, trafficking of persons, or other  
20 terrorist or criminal activity.

21           “(e) ACCESS TO INFORMATION.—The Office shall en-  
22 sure that other agencies within the Department of Home-  
23 land Security, the Department of Defense, the Depart-  
24 ment of Justice, and such other Federal, State, or local  
25 agencies, as may be determined by the Secretary, shall

1 have access to the information gathered and analyzed by  
2 the Center.

3 “(f) REQUIREMENT.—Beginning not later than 180  
4 days after the date of the enactment of this Act, the Sec-  
5 retary shall require that all information concerning all  
6 aviation activities, including all airplane, helicopter, or  
7 other aircraft flights, that are undertaken by the either  
8 the Office, United States Immigration and Customs En-  
9 forcement, United States Customs and Border Protection,  
10 or any subdivisions thereof, be provided to the Air and  
11 Marine Operations Center. Such information shall include  
12 the identifiable transponder, radar, and electronic emis-  
13 sions and codes originating and resident aboard the air-  
14 craft or similar asset used in the aviation activity.

15 “(g) TIMING.—The Secretary shall require the infor-  
16 mation described in subsection (f) to be provided to the  
17 Air and Marine Operations Center in advance of the avia-  
18 tion activity whenever practicable for the purpose of timely  
19 coordination and conflict resolution of air missions by the  
20 Office, United States Immigration and Customs Enforce-  
21 ment, and United States Customs and Border Protection.

22 “(h) RULE OF CONSTRUCTION.—Nothing in this sec-  
23 tion shall be construed to alter, impact, diminish, or in  
24 any way undermine the authority of the Administrator of  
25 the Federal Aviation Administration to oversee, regulate,



1 and control the safe and efficient use of the airspace of  
2 the United States.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) ADDITIONAL ASSISTANT SECRETARY.—Sec-  
5 tion 103(a)(9) of the Homeland Security Act of  
6 2002 (6 U.S.C. 113(a)(9)) is amended by striking  
7 “12” and inserting “13”.

8 (2) CLERICAL AMENDMENT.—The table of con-  
9 tents in section 1(b) of such Act (6 U.S.C. 101) is  
10 amended by inserting after the item relating to sec-  
11 tion 430 the following new item:

“Sec. 431. Office of Air and Marine Operations.”.

12 **SEC. 403. SHADOW WOLVES TRANSFER.**

13 (a) TRANSFER OF EXISTING UNIT.—Not later than  
14 90 days after the date of the enactment of this Act, the  
15 Secretary of Homeland Security shall transfer to United  
16 States Immigration and Customs Enforcement all func-  
17 tions (including the personnel, assets, and liabilities attrib-  
18 utable to such functions) of the Customs Patrol Officers  
19 unit operating on the Tohono O’odham Indian reservation  
20 (commonly known as the “Shadow Wolves” unit).

21 (b) ESTABLISHMENT OF NEW UNITS.—The Sec-  
22 retary is authorized to establish within United States Im-  
23 migration and Customs Enforcement additional units of  
24 Customs Patrol Officers in accordance with this section,  
25 as appropriate.

1       (c) DUTIES.—The Customs Patrol Officer unit trans-  
2       ferred pursuant to subsection (a), and additional units es-  
3       tablished pursuant to subsection (b), shall operate on In-  
4       dian lands by preventing the entry of terrorists, other un-  
5       lawful aliens, instruments of terrorism, narcotics, and  
6       other contraband into the United States.

7       (d) BASIC PAY FOR JOURNEYMAN OFFICERS.—A  
8       Customs Patrol Officer in a unit described in this section  
9       shall receive equivalent pay as a special agent with similar  
10      competencies within United States Immigration and Cus-  
11      toms Enforcement pursuant to the Department of Home-  
12      land Security’s Human Resources Management System  
13      established under section 841 of the Homeland Security  
14      Act (6 U.S.C. 411).

15      (e) SUPERVISORS.—Each unit described in this sec-  
16      tion shall be supervised by a Chief Customs Patrol Officer,  
17      who shall have the same rank as a resident agent-in-  
18      charge of the Office of Investigations within United States  
19      Immigration and Customs Enforcement.

○